

AMENDED IN ASSEMBLY JUNE 4, 2014

AMENDED IN SENATE APRIL 10, 2014

SENATE BILL

No. 1402

Introduced by Senator De León

February 21, 2014

An act to amend Section 84307.5 of the Government Code, relating to the Political Reform Act of 1974 submit an advisory question to the voters relating to immigration reform, calling an election, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1402, as amended, De León. ~~Political Reform Act of 1974: campaign funds.~~ *Immigration reform: advisory election.*

This bill would call a special election to be consolidated with the November 4, 2014, statewide general election. The bill would require the Secretary of State to submit to the voters at the November 4, 2014, consolidated election an advisory question asking whether the Congress of the United States should immediately reform our immigration laws and pass comprehensive immigration reform that includes a path to citizenship for immigrants meeting certain requirements, as specified, and whether the President of the United States should halt deportations of parents whose children were born in the United States until that new immigration law is passed. The bill would require the Secretary of State to communicate the results of this election to the Congress of the United States.

This bill would declare that it is to take effect immediately as an act calling an election.

~~Existing provisions of the Political Reform Act of 1974 prohibit a spouse or domestic partner of an elected officer or a candidate for~~

~~elective office from receiving compensation from campaign funds held by a controlled committee of the officer or candidate for services rendered in connection with fundraising, as specified.~~

~~This bill would instead prohibit a spouse or domestic partner of an elected officer or a candidate for elective office from receiving compensation, in exchange for any services rendered, from campaign funds held by a controlled committee of the officer or candidate.~~

~~A violation of the act's provisions is punishable as a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

~~Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~-no.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) The United States of America was founded on principles of*
- 4 *freedom and opportunity, and on the tenet that all men and women*
- 5 *are created equal.*
- 6 *(b) The nation's history has been indelibly shaped by waves of*
- 7 *immigration.*
- 8 *(c) The current immigration system in the United States is*
- 9 *antiquated, riddled with inefficiencies, and incapable of meeting*
- 10 *the challenges of the 21st century and our changing economy.*
- 11 *(d) Immigrants are a major engine for the state's economic*
- 12 *growth. Approximately 1 in 10 workers in California is an*
- 13 *undocumented immigrant, totaling 1.85 million workers.*
- 14 *Immigrants are vital for California's industries, including*
- 15 *technology, agriculture, hospitality, and services.*

1 (e) *The undocumented immigrant population in the United States*
2 *is currently 11.7 million and is expected to continue growing in*
3 *the absence of immigration and regulatory reform.*

4 (f) *Almost one-quarter (23 percent) of the nation's*
5 *undocumented immigrants reside in California.*

6 (g) *Thousands of families have been separated because of the*
7 *enforcement of immigration laws that do not recognize the*
8 *complexities of mixed-status families. Each year, more than*
9 *350,000 immigrants face deportation proceedings.*

10 (h) *Nearly one-half of undocumented immigrants in the United*
11 *States are parents of minor children, and 77 percent of these*
12 *children are United States citizens.*

13 (i) *Since 1998, about 600,000 children who are United States*
14 *citizens have had a parent detained or deported. Currently, there*
15 *are at least 5,100 children in the child welfare system because*
16 *their parents are under immigration custody or have been deported.*
17 *This number is expected to rise to 15,000 in the next five years.*

18 SEC. 2. *A special election is hereby called to be held*
19 *throughout the state on November 4, 2014. The special election*
20 *shall be consolidated with the statewide general election to be*
21 *held on that date. The consolidated election shall be held and*
22 *conducted in all respects as if there were only one election and*
23 *only one form of ballot shall be used.*

24 SEC. 3. (a) *Notwithstanding Section 9040 of the Elections*
25 *Code, the Secretary of State shall submit the following advisory*
26 *question to the voters at the November 4, 2014, consolidated*
27 *election:*

28 *“Shall the Congress of the United States reform our immigration*
29 *laws and immediately pass comprehensive immigration reform*
30 *that includes a path to citizenship to those immigrants who learn*
31 *English, pass a background check, and pay back taxes, and shall*
32 *the President of the United States halt the deportations of*
33 *noncriminal mothers and fathers whose children were born in the*
34 *United States, which separate families, until that new immigration*
35 *law is passed?”*

36 (b) *Upon certification of the election, the Secretary of State*
37 *shall communicate to the Congress of the United States the results*
38 *of the election asking the question set forth in subdivision (a).*

1 (c) *The provisions of the Elections Code that apply to the*
2 *preparation of ballot measures and ballot materials at a statewide*
3 *election apply to the measure submitted pursuant to this section.*

4 SEC. 4. *This act calls an election within the meaning of Article*
5 *IV of the Constitution and shall go into immediate effect.*

6 ~~SECTION 1. Section 84307.5 of the Government Code is~~
7 ~~amended to read:~~

8 ~~84307.5. A spouse or domestic partner of an elected officer or~~
9 ~~a candidate for elective office shall not receive, in exchange for~~
10 ~~services rendered, compensation from campaign funds held by a~~
11 ~~controlled committee of the elected officer or candidate for elective~~
12 ~~office.~~

13 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~the only costs that may be incurred by a local agency or school~~
16 ~~district will be incurred because this act creates a new crime or~~
17 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
18 ~~for a crime or infraction, within the meaning of Section 17556 of~~
19 ~~the Government Code, or changes the definition of a crime within~~
20 ~~the meaning of Section 6 of Article XIII B of the California~~
21 ~~Constitution.~~

22 ~~SEC. 3. The Legislature finds and declares that this bill furthers~~
23 ~~the purposes of the Political Reform Act of 1974 within the~~
24 ~~meaning of subdivision (a) of Section 81012 of the Government~~
25 ~~Code.~~